

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA **SCANNED**

Name and address of Plaintiff:

CHARLES Poulson  
SCI-FOREST - P.O. Box 945  
MARIENVILLE, PA 16239

NO. 1:22-cv-00260-RAL

v.

Amended Complaint

Full name, title, and business address  
of each defendant in this action:

1 KIM SMITH - Health Care Administrator  
SCI-FOREST - 286 Woodland Drive  
Marienville, PA 16239

U.S. MAGISTRATE JUDGE

RICHARD A. LANZILLO

(Individual)  
(Capacity)

**FILED**

APR 13 2023

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI-FOREST

What sentence are you serving? Life Sentence

What court imposed the sentence? BUCKS COUNTY

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs CHARLES Poulson

Defendants Records Supervisor

2. Court (if federal court, name the district; if state court, name the county) and docket number  
Federal

3. Name of judge to whom case was assigned Judge Baxter

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)  
Dismissed

5. Approximate date of filing lawsuit Don't remember

6. Approximate date of disposition \_\_\_\_\_

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? \_\_\_\_\_

When? NONE

Result: \_\_\_\_\_

III. What federal law do you claim was violated? 8th Amendment

Cruel AND UNUSUAL PUNISHMENT; 14th Amendment

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: 9-1-20

B. Place of event: SCI-FOREST

C. Persons involved--name each person and tell what that person did to you:  
1. Defendant Kim Smith, who, at the time of this constitutional violation, was under color of state law, and she was in a supervising position.  
(Please see attached pages for statement of claim against defendant Kim Smith  
(Pages -2A and 2B) + 2C)

2. See statement of claim against defendant  
Ferdarko on attached pages (2D and 2E)

STATEMENT OF CLAIM AGAINST DEFENDANT KIM SMITH

DEFENDANT KIM SMITH, AT THE TIME OF THIS INCIDENT, WAS UNDER COLOR OF STATE LAW, AND WAS IN A SUPERVISING POSITION FOR DEFENDANT LESLIE AND DEFENDANT FERDARKO.

DEFENDANT KIM SMITH FAILED IN HER DUTY TO PROPERLY TRAIN DEFENDANT FERDARKO AND DEFENDANT LESLIE IN REGARDS TO MAINTAINING ADEQUATE MEDICAL EQUIPMENT (HEATING PAD MACHINE).

DEFENDANT KIM SMITH HAS DEMONSTRATED A PATTERN OF NOT PROVIDING ADEQUATE MEDICAL CARE TO PATIENTS SUCH AS PLAINTIFF CHARLES POULSON, AND SHE DEMONSTRATED THAT SHE DOES NOT CHECK OR MAINTAIN ADEQUATE CARE FOR THE MEDICAL EQUIPMENT SUCH AS THE HEATING PAD MACHINE THAT SCARRED PLAINTIFF CHARLES POULSON'S BACK FOR LIFE; SEE EXHIBIT-A, PARAGRAPH 2, LINES (1), LINES (2 AND 3), AND LINES (1 AND 2), OF PARAGRAPH 3 OF EXHIBIT-A.

DEFENDANT KIM SMITH ADMITTED THAT THE HEATING PAD MACHINE CAUSED THE INJURY TO MR. POULSON'S BACK.

DEFENDANT KIM SMITH ADMITTED THAT SHE AND HER STAFF WERE COMPLETELY UNAWARE THAT THE HEATING PAD MACHINE WAS MALFUNCTIONING - SEE EXHIBIT-A, PARAGRAPHS (2 AND 3).

BY DEFENDANT KIM SMITH ADMITTING TO NOT CHECKING THE  
(PAGE 2 A)

Heating Pad machine, AND NOT TAKING NECESSARY STEP TO ENSURE PLAINTIFF Charles Poulson would not be subjected TO CRUEL AND UNUSUAL PUNISHMENT DUE TO THE FACT THAT MR. POULSON WAS TAKING MEDICATION THAT WOULD PREVENT HIM FROM FEELING THE HEAT PADS ON HIS BACK, WAS A CLEAR CASE OF RECKLESSNESS AND A GROSS DIS-NEGARD FOR THE SAFETY OF PLAINTIFF Charles Poulson's BACK.

AS A DIRECT RESULT OF DEFENDANT Kim Smith's ACTIONS, PLAINTIFF Charles Poulson's BACK IS SCARRED FOR LIFE; SEE EXHIBIT-A, PARAGRAPHS (2 AND 3)

PRISON OFFICIALS MUST PROVIDE ADEQUATE MEDICAL EQUIPMENT FOR NECESSARY MEDICAL CARE. THE CONSTITUTION MAY BE VIOLATED BY DANGEROUS AND INADEQUATE MEDICAL EQUIPMENT, AND DEFENDANT Kim Smith HAS PROVIDED A PATTERN OF ABUSE BY ADMITTING TO THESE THINGS - SEE EXHIBIT-A, PARAGRAPH (2+3).

DEFENDANT Kim Smith's LACK OF TRAINING HER STAFF IN REGARDS TO CHECKING THE HEATING PAD MACHINE TO MAKE SURE IT WORKS PROPERLY AND LETTING HER STAFF KNOW THAT PLAINTIFF POULSON WAS TAKING MEDICATION THAT WOULD PREVENT PLAINTIFF POULSON FROM FEELING THE HEATING PAD ON HIS BACK, WAS A CLEAR CASE OF DELIBERATE INDIFFERENCE BECAUSE SHE HAD KNOWLEDGE THAT THE MEDICATION MR. POULSON WAS TAKING WOULD PREVENT HIM FROM FEELING THE HEAT PAD HEAT THAT HELP TO CAUSE THE INJURY ON HIS BACK - SEE FARMER VS. BRENNAN, 511 U.S. 825, 842 (1994) (PAGE 2B)

Defendant Kim Smith Knew or should have known that she should have informed her STAFF (Defendant-Leslie, And Defendant Fernandes), that Plaintiff Poulson WAS TAKING medication that would prevent him from feeling the Heating Pads Heat on his BACK, but Kim Smith Failed in her duty To Prevent Plaintiff Poulson From being subjected To cruel and unusual punishment, and as a result of her PATTERN OF ABUSIVENESS, Plaintiff Charles Poulson's BACK will be scarred FOR LIFE, and this thought has subjected Plaintiff Poulson To mental ANGUISH AND PHYSICAL ABUSE.

STATEMENT OF CLAIM AGAINST DEFENDANT-FERDARKO

DEFENDANT FERDARKO, AT THE TIME OF THIS CONSTITUTIONAL VIOLATION THAT INJURED PLAINTIFF CHARLES POULSON'S BACK, WAS UNDER COLOR OF STATE LAW

DEFENDANT FERDARKO, IS A SUPERVISOR TO DEFENDANT LESLIE, WHO CAUSED THE INJURY TO MR. POULSON'S BACK.

DEFENDANT FERDARKO KNEW OR SHOULD HAVE KNOWN THAT PLAINTIFF CHARLES POULSON WAS TAKING MEDICATION THAT PREVENTED MR. POULSON FROM FEELING THE HEATING PADS THAT WERE TREATING HIS BACK.

DEFENDANT FERDARKO FAILED IN HIS DUTY TO ENSURE PLAINTIFF POULSON WOULD NOT GET INJURED BY THE HEAT PADS THAT WERE TREATING HIS BACK, BY INFORMING NURSE LESLIE (WHO TREATED MR. POULSON'S BACK).

DEFENDANT FERDARKO, ACTING AS A SUPERVISOR, HAS DEMONSTRATED RECKLESSNESS AND A TOTAL DISREGARD FOR PLAINTIFF POULSON'S RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT

DEFENDANT FERDARKO HAD A RESPONSIBILITY TO MAKE SURE THE HEATING PAD MACHINE WAS WORKING PROPER AND NOT MALFUNCTIONING, BUT AS A RESULT OF DEFENDANT FERDARKO'S  
(2D)

dereliction of duty, Plaintiff Poulsen's back is scarred  
for life which results to mental anguish.

(2E)

Statement of claim Against Defendant Leslie

Defendant-nurse Leslie, at the time of this constitutional violation, was under color of state law and is sued in individual capacity.

Defendant-nurse Leslie is the nurse who applied the heating pad machine to Plaintiff Charles Poulsom's back on the day in question, that scarred him for life.

Defendant-nurse Leslie knew or should have known that Plaintiff Charles Poulsom was taking medication that prevented Plaintiff Poulsom from feeling the excess heating pad that scarred Plaintiff Poulsom's back for life.

Nurse Leslie is guilty of a gross derelict of duty to Plaintiff Charles Poulsom which means that Nurse Leslie had a duty to ensure that Plaintiff Poulsom is free from cruel and unusual punishment, but Nurse Leslie's actions caused Plaintiff Poulsom to suffer a very bad burn on his back that has left his back scarred for life.

Nurse Leslie did not check to see if the heating pad machines was working proper which is a pattern of abuse that appears to be reckless and this act resulted in deliberate and indifference to

the safety of Plaintiff Poulson. See Exhibit -A.

Defendant Leslie is qualified or classified as a professional nurse that has demonstrated that even a professional nurse is not perfect.

Defendant Leslie's actions have subjected Charles Poulson to unnecessary pain and suffering that is likely to last a lifetime.

Defendant Leslie knew or should have known that the heating pad machine should have been checked and double checked while treating Plaintiff Poulson based on the medication that Plaintiff Poulson was taking that prevented him from feeling the heat pad on his back, but the actions of Nurse Leslie were reckless, malicious, and resulted in deliberate indifference to Plaintiff Poulson's overall safety.

V. Did the incident of which you complain occur in an institution or place of custody in this District?  
If so, where? SCI-FOREST

and answer the following questions:

A. Is there a prisoner grievance procedure in this institution?  
Yes  No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes  
 No

C. If your answer is YES,

1. What steps did you take? (1) GRIEVANCE COORDINATOR (2) WARDEN  
(3) BUREAU OF HEALTH CARE SERVICES

2. What was the result? MY GRIEVANCE WAS upheld in PART  
and denied in PART; see EXHIBITS - A-A1-B-C

D. If your answer is NO, explain why not: \_\_\_\_\_

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?  
Yes  No

F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Defendant Kim Smith is sued in her individual  
CAPACITY FOR COMPENSATORY DAMAGES IN EXCESS OF  
See ATTACHED PAGE(S) (3A)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

4-9-23

(Date)

Charles Parker  
(Signature of Plaintiff)

(3)

\$ 7,000,000 (7-million), FOR the injuries she caused to Plaintiff.

Defendant Kim Smith is sued in her individual capacity  
FOR PUNITIVE DAMAGES in excess of \$7,000,000 (7-million),  
FOR the mental or emotional injury she caused to Plaintiff,

2. Defendant Ferdarko, is sued in his/her individual  
CAPACITY FOR COMPENSATORY DAMAGES in excess of \$ 5,000,000  
(5-million) FOR the Physical injury that occurred at his/her  
hand to Plaintiff Poulson.

3. Defendant Ferdarko is sued in his/her individual  
capacity FOR PUNITIVE DAMAGES in excess of \$ 5,000,000  
(5-million), FOR the EMOTIONAL injuries to Plaintiff.

4. Defendant Leslie is sued in his/her individual capacity  
FOR COMPENSATORY DAMAGES in excess of \$ 10,000,000 (10-million)  
FOR the direct INJURY caused to Plaintiff Poulson.

5. Defendant Leslie is sued in his/her individual capacity  
FOR PUNITIVE DAMAGES in excess of \$ 10,000,000 (10-million)  
FOR the mental or emotional injury that occurred to  
Plaintiff Poulson

DATE: 4-9-23

Re: Charles J. Culhane

PAGE 3A

## CERTIFICATE OF SERVICE

I CERTIFY that a copy of my Amended complaint along with my Memorandum of Law in SUPPORT OF CLAIMS were served upon the PARTIES listed below.

OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
17 SOUTH PARK ROW  
ERIC, PA 16501

OFFICE OF ATTORNEY GENERAL  
COMMONWEALTH OF PENNSYLVANIA  
1600 ARCH STREET, SUITE 300  
PHILADELPHIA, PA 19103

OFFICE OF ATTORNEY GENERAL  
1251 WATERFRONT PLACE  
MEZZANINE LEVEL  
PITTSBURGH, PA 15222

DATE: 4-9-23

Re: Charles Parkman

4-9-223  
(Date)

Charles Foulser  
(Signature of Plaintiff)

(47)